

**BOARD OF REAL ESTATE APPRAISERS
BOARD MEETING MINUTES – January 4, 2005**

MEMBERS PRESENT

James Murphy
David Adams
Bruce Bell
Walter Bowditch
Kenneth Charest
Joseph Herlihy
Theodore Webersinn

MEMBERS ABSENT

OTHERS PRESENT

Carol Leighton, Administrator
Dennis Smith, A.A.G.
Susan Greenlaw, Board Clerk

Location: Central Conference Room

Start: 9:00 a.m. **Adjourn:** 3:45 p.m.

CALL TO ORDER

The meeting was called to order at 9:00 a.m.

AGENDA MODIFICATIONS

Members agreed to add the following:

- A. Review and Action on Decision & Order re: Rod Berube (hearing 12/7/04)
- B. Request for Reconsideration re: Rod Berube
- C. Complaint Officer's Report
 - #REA-205
 - #REA-206
 - #REA-207
 - #REA-210

A motion was made by Bruce Bell to move the added agenda item Review and Action on Decision & Order re: Rod Berube to the top of the agenda; seconded by Walter Bowditch. Bell, Bowditch, Charest, Murphy, and Webersinn voted in the affirmative; Adams and Herlihy opposed. Motion carried.

OLD BUSINESS

Action on Minutes of December 7, 2004 Meeting

A motion was made by Walter Bowditch to approve the minutes of the December 7, 2004 meeting as written; seconded by Kenneth Charest. Unanimous.

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Action on Tabled Applications/Items

NAME	APPLYING TO	ACTION
APPLICANT #1	RECIPROCITY FROM NOVA SCOTIA, CANADA MIN 180 QE BAL MET? = MIN 30 MONTHS EXP MET? = MIN 3000 EXP HRS MET? =	01/04/05 – APPROVED FOR LICENSE. MOTION BY HERLIHY; SECONDED BY ADAMS. UNANIMOUS. 12/07/04 – REQUESTED 1 COMPLETE NARRATIVE COMMERCIAL PROPERTY APPRAISAL REPORT MOTION BY CHAREST; SECONDED BY WEBERSINN. ADAMS, BELL, CHAREST, HERLIHY, MURPHY, AND WEBERSINN VOTED IN THE AFFIRMATIVE; BOWDITCH OPPOSED MOTION CARRIED.

NEW BUSINESS

A motion was made by Theodore Webersinn to accept the Decision & Order regarding Rod Berube (hearing 12/7/04) as presented; seconded by David Adams. Unanimous.

A motion was made by David Adams to deny the Request for Reconsideration regarding complaint #REA-172; seconded by Theodore Webersinn. Unanimous.

Hearings

Thomas Pellerin (license denial): This matter was continued to February 1, 2005.

Election of Officers

A motion was made by Theodore Webersinn to elect Kenneth Charest as Chair; seconded by Bruce Bell. Unanimous.

A motion was made by Theodore Webersinn to elect Walter “Terry” Bowditch as Vice-Chair; seconded by Kenneth Charest. Unanimous.

A motion was made by David Adams to elect Joseph Herlihy as Complaint Officer; seconded by Bruce Bell. Unanimous.

Administrator's Report

Complaint Officer's Report

#REA-195/196: A motion was made by Walter Bowditch to find the licensee in violation of 32 M.R.S.A. §14014(1)(G)(I)(J) and USPAP Standards Rules 1-1(b), 1-1(c), 1-4(a), and 2-1(a) and to offer a Consent Agreement requiring the following (1) Minimum 30-hour qualifying education course which includes successful completion of an exam; (2) 15-hour USPAP course which includes successful completion of an exam; (3) \$500 fine

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assessed to the trainee; and (4) \$2000 fine assessed to the supervising appraiser; seconded by James Murphy. Adams, Bell, Bowditch, Charest, and Murphy voted in the affirmative; Webersinn opposed. Motion carried. A motion was made by Bruce Bell to amend the motion to require the supervisor to pay costs associated with the investigation of this case, reduce the fine to \$1500, and require the fine and costs be paid within 30 days; seconded by Theodore Webersinn. Bell, Bowditch, Charest, and Webersinn voted in the affirmative; Adams and Murphy opposed; Herlihy abstained. Motion carried.

#REA-200: A motion was made by Theodore Webersinn to find the licensee in violation of 32 M.R.S.A. §14014(1)(G)(K) and the Confidentiality provision of USPAP and to offer a Consent Agreement requiring the following (1) Admission to violations; (2) 15-hour USPAP course which includes successful completion of an exam, course to be completed within one year; seconded by James Murphy. Adams, Bell, Bowditch, Charest, and Murphy voted in the affirmative; Webersinn opposed; Herlihy abstained. Motion carried.

#REA-201: A motion was made by Walter Bowditch to dismiss upon finding no violation of Board statutes or rules; seconded by James Murphy. Adams, Bell, Bowditch, Charest, Murphy, and Webersinn voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

#REA:202: A motion was made by David Adams to offer a Consent Agreement requiring the following (1) \$1000 fine (\$500 per conviction); seconded by Theodore Webersinn. Adams, Bowditch, Charest, Murphy, and Webersinn voted in the affirmative; Bell opposed; Herlihy abstained. Motion carried.

#REA-204: A motion was made by Walter Bowditch to dismiss upon finding no violation of Board statutes or rules; seconded by Bruce Bell. Adams, Bell, Bowditch, Charest, Murphy, and Webersinn voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

#REA:205/206/207: A motion was made by David Adams to table pending further investigation; seconded by James Murphy. Adams, Bowditch, Charest, Murphy, and Webersinn voted in the affirmative; Bell opposed; Herlihy abstained. Motion carried.

#REA-210: A motion was made by David Adams to table pending further investigation; seconded by James Murphy. Adams, Bell, Bowditch, Charest, Murphy, and Webersinn voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

Review and Action on Applications and Education

Nothing to review at this time.

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Trainee Appraisal Audit Review

Members reported their findings on appraisals submitted for review. Kim Baker-Stetson will be sending letters to each trainee notifying them of the Board's findings.

Correspondence

Letter from Paul C. Linehan, Maine Chapter of the Appraisal Institute: At the December meeting the Board reviewed a letter from the Maine Chapter requesting clarification of the Maine laws relating to the current exemption for real estate licensees to perform certain appraisals. Mr. Paul C. Linehan, President of the Maine Chapter, attended for the purpose of presenting the issues and answered questions. A follow up letter was submitted and each member was provided with a copy. Theodore Webersinn provided additional information that was given to him by Mr. Linehan regarding opinions of value. A motion was made by Theodore Webersinn to inform the Real Estate Commission the Board's understanding and position is that a broker's opinion of value requires the statement provided by 32 M.R.S.A. 14004(2); seconded by David Adams. Dennis Smith will provide the Board with a draft letter for review at the next meeting. Unanimous.

First Exposure Draft on proposed revisions to STANDARDS 9 and 10 of the USPAP: Reviewed and filed.

Next Meeting Scheduled for February 1, 2005

OTHER BUSINESS

A motion was made by David Adams to authorize out of state travel for Theodore Webersinn to attend the AARO Spring 2005 Conference scheduled for April 9-11, 2005 in St. Louis, Missouri; seconded by James Murphy. Unanimous.

ADJOURN

Being no further board business the meeting was adjourned at 3:45 p.m.

Respectfully submitted,

Susan Greenlaw
Board Clerk